

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS

15.14.15 Required Animal Cruelty Reporting

Authority: Agriculture Article, §§2-103, 2-304, [and] 2-310, and 2-313.1, Annotated Code of Maryland

Notice of Proposed Action

[18-259-P]

The Secretary of Agriculture proposes to repeal existing Regulations .01—.03 and adopt new Regulations .01—.05 under COMAR 15.14.15 Required Animal Cruelty Reporting.

Statement of Purpose

The purpose of this action is to explain when a treating veterinarian is required to report suspected animal cruelty to the appropriate law enforcement agency or local animal control agency. This chapter also explains the requirements for reporting and confidentiality.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Vanessa Orlando, Executive Director, Maryland State Board of Veterinary Medical Examiners, Maryland Department of Agriculture, 50 Harry S Truman Parkway, Annapolis, Maryland 21401, or call (410) 841-5862, or email to vanessa.orlando@maryland.gov, or fax to (410) 841-5780. Comments will be accepted through November 15, 2018. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to explain when a treating veterinarian is required to report animal cruelty to the appropriate law enforcement or local animal control agency. This chapter also explains the requirements for reporting and confidentiality.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Animal" means a living creature except a human being that is privately owned, strays, domesticated, feral, farm animals, corporately or institutionally owned, or used in privately, locally, State, or federally funded activities.

(2) "Animal cruelty" means:

(a) Overdriving, overloading, torturing, tormenting, or cruelly beating an animal, depriving an animal of necessary sustenance, or causing, procuring, or authorizing these acts;

(b) Inflicting unnecessary suffering or pain upon an animal;

(c) If a person has charge or custody of an animal, as owner or otherwise, unnecessarily failing to provide an animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather;

(d) Using or permitting to be used any bird, fowl, or cock for the purpose of fighting with any other animal, which is commonly known as cockfighting;

(e) Using or permitting to be used any dog for the purpose of fighting with any other animal; or

(f) Any conduct that violates Criminal Law Article, §§10-604, 10-606, 10-607, and 10-608, Annotated Code of Maryland.

(3) "Board" means the State Board of Veterinary Medical Examiners.

(4) "Has reason to believe" means that a veterinarian suspects but may not actually know that an animal has been subject to cruelty.

(5) "Law enforcement agency" means the local law enforcement or animal control agency that enforces animal cruelty laws.

(6) "Reports in good faith" means that a veterinarian has filed the report with a sincere and honest intention.

(7) "Timely" means as soon as possible but no later than 24 hours from the time that a veterinarian has reason to believe of possible animal cruelty.

(8) "Veterinarian" means a licensed and registered veterinarian engaged in the practice of veterinary medicine.

.03 Reporting Requirements.

A. A treating veterinarian who has reason to believe that any animal treated has been subjected to animal cruelty shall promptly report the suspected instance of cruelty to the appropriate law enforcement agency in a timely manner.

B. The report shall include:

(1) The name, age, and location of the animal;

(2) The name and home address of the owners or custodian of the animal;

(3) The nature and extent of the suspected animal cruelty, including any evidence or information available concerning possible previous instances of animal cruelty; and

(4) Any other information that would help determine:

(a) The cause of the suspected animal cruelty; or

(b) The identity of any individual responsible for the suspected animal cruelty.

C. A veterinarian making a report under this chapter shall document the report by recording and maintaining a record of:

(1) The date and time of the report;

(2) The identity of the local law enforcement or animal control agency to which the report was made;

(3) The identity of any person employed by the local law enforcement or county animal control agency where the report was made;

(4) The substance of any instructions or advice received from local law enforcement or county animal control; and

(5) Any other information documenting that the report was made and received by a local law enforcement or animal control agency.

D. Records reflecting reports under this chapter shall be maintained for three years by the veterinarian.

E. A veterinarian who reports in good faith a suspected incident of animal cruelty or participates in an investigation of suspected animal cruelty is immune:

(1) From civil liability that results from this report or from participation in the investigation, in accordance with Courts and Judicial Proceedings Article, §5-424, Annotated Code of Maryland;

(2) From criminal prosecution for the report or participation in the investigation.

F. The Board shall maintain a list of the appropriate law enforcement agencies that a veterinarian shall contact for reporting purposes.

.04 Confidentiality.

A. Except as provided in this regulation, the following records are confidential and may not be released:

(1) Records and reports, including the information provided in the records and reports, filed by a veterinarian under this chapter; and

(2) The veterinarian's identity.

B. The unauthorized disclosure of any record or report including any information provided in the record or report or the disclosure of the identity of the veterinarian who filed the report, is a criminal offense subject to the penalty provided in Agriculture Article, Title 12, Annotated Code of Maryland.

C. Procedures to Protect Confidentiality. Each law enforcement agency subject to this chapter shall adopt confidential procedures that protect the identity of the veterinarian who makes a cruelty report and the report itself, including any information from the report, as follows.

(1) All employees who handle cruelty reports required by this chapter shall be trained to keep the above information confidential and instructed not to release it to any person.

(2) Each employee shall be trained on the requirements of this chapter and informed of the consequences of releasing any confidential information.

(3) All confidential information shall be kept in a secure location.

(4) All employees shall be trained in the requirements of the Public Information Act and how to protect confidential information.

D. Release of Confidential Information.

(1) The substance of any cruelty report filed by a veterinarian under this chapter, and any records associated with the report may only be released:

(a) By a court order;

(b) If required by another law; or

(c) With the consent of the veterinarian who filed the report.

(2) A law enforcement agency shall release any records and reports required by this chapter to the Board upon request.

.05 Disciplinary Action Against a Veterinarian.

If a veterinarian fails to comply with the reporting requirements of this chapter, the Board may suspend or revoke a veterinarian's license, censure or place the veterinarian on probation.

JOSEPH BARTENFELDER
Secretary of Agriculture

Title 17

DEPARTMENT OF BUDGET AND MANAGEMENT

Subtitle 04 PERSONNEL SERVICES AND BENEFITS

17.04.11 Leave

Authority: State Personnel and Pensions Article, §§4-106 [and], 9-101, and 9-1108, Annotated Code of Maryland

Notice of Proposed Action

[18-269-P]

The Secretary of Budget and Management proposes to adopt new Regulation .29 under **COMAR 17.04.11 Leave**.

Statement of Purpose

The purpose of this action is to comply with Ch. 752, Acts of 2018, effective October 1, 2018, which provides certain State employees with parental leave with pay for the purpose of providing care and nurturing to a child immediately following birth of a child or upon placement of a child younger than 6 years old with the employee for adoption.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jennifer P. Hine, Personnel Director, Department of Budget and Management, 301 W. Preston Street, Rm 705, Baltimore, MD 21201, or call 410 767-4718, or email to jennifer.hine@maryland.gov, or fax to 410 333-7671. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

.29 Parental Leave.

A. Scope. This regulation applies to all employees, excluding temporary employees, of the Executive Branch of State government, excluding any unit with an independent personnel system.

B. Definitions.

(1) In this regulation, the following terms have the meanings indicated.

(2) Defined Terms.

(a) "Parental leave" means paid leave granted to a primary caregiver to care for and nurture a child within 6 months following the birth of a child or the adoption of a child younger than 6 years old.

(b) "Parental leave absence" means an approved absence of a primary caregiver for up to 60 days for the purpose of caring for and nurturing a child within 6 months following the birth of a child or adoption of a child younger than 6 years old.

(c) "Primary caregiver" means an employee primarily responsible for the care and nurturing of the employee's child who is 6 months old or younger or who is primarily responsible for the care